

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ABBOTT LABORATORIES ET AL.

Plaintiffs,

-against-

ADELPHIA SUPPLY USA ET AL.

Defendants.
-----X

NOT FOR PUBLICATION

ORDER

15-CV-5826 (CBA) (MDG)

AMON, Chief United States District Judge:


For purposes of this Order, “International FreeStyle Test Strips” means any box of test strips:

1. Bearing any of the following trademarks:

a. FREESTYLE (Reg. No. 3,111,863); or

b. FREESTYLE LITE (Reg. No. 3,488,499); or



c.  , which consists of a butterfly with a silver body, black wings, yellow and orange oblong shapes on the wings with two rows of white spots going around the oblong shapes and with blue shading (Reg. No. 4,210,535); or

d. ABBOTT (Reg. Nos. 3,724,557; 3,842,268; 3,842,269; 4,023,123); or



e.  (Reg. Nos. 1,542,129); and

2. Having, or containing a packaging insert having, any of the following characteristics:

a. Indicating that a blood sample for use with the test strips can be drawn from a location other than the finger, palm, or upper arm; or

b. Lacking a National Drug Code (NDC) number; or

c. Lacking the U.S. toll-free number 1-888-522-5226.

It is hereby ORDERED that defendants Adelphia Supply USA; Yudah Neuman a/k/a Lenny Neuman; Reuven Sobel a/k/a Chaim Sobel; Moses Neuman; Save Rite Medical.com LLC; Marc Kaplan; Matrix Distributors, Inc.; Christopher Benevent; Seth Grumet; H&H Wholesale Services, Inc.; Howard Goldman; OSD Capital, Inc. f/k/a Farnes Enterprises Corporation; Overstockdrugstore.com LLC d/b/a/ SimpleMed Supply; Rick Evenson; Budget Health Corporation d/b/a Budget Drugs Pharmacy; John Fandetti; Maria Fandetti; Lori Blue; Anthony Meola; Mark D. Henkin; Dream Cereal Inc. d/b/a Diabetessupplies4less.com; Douglas Hauck; Berkeley Drugs Inc.; Majid Hameed; Eugene Ha; Careway Pharmacy Inc.; Anatoliy Fain; Harrico-Galler Drug Corporation; John Gallagher; Haber J&N Inc. d/b/a The Modern Chemist; Naomi Haber; Jerry Haber; Norstrand Pharmacy, LLC d/b/a Vanderveer Pharmacy; Sarathchandra Adusumalli; Hemagiri Gayam; Lev RX Corp. d/b/a Kira's Pharmacy; Kira Levkouskaya; Global Care Pharmacy, Inc.; TGIS Pharmacy, Inc. d/b/a Sunrise Family Pharmacy; Sajid Javed; Bay Pharmacy Inc.; Irene Piker; B & T Marlboro Pharmacy, Inc.; Anatoly Gorokhovsky; Larke Drugs, Inc. d/b/a 110 Pharmacy & Surgical; Prasad Venigalla; La Ruche Pharmacy, Inc.; Sunil B. Patel; John Does 1–10; and their principals, agents, officers, directors, members, servants, employees, successors, assigns, and all other persons in concert and participation with them are preliminarily enjoined pending the final hearing and determination of this action from importing, purchasing, selling, distributing, marketing, or otherwise using in commerce in the United States any International FreeStyle Test Strips as defined above, or assisting, aiding, or abetting any other person or business entity engaging in or performing any of the activities referred to in this paragraph.

SO ORDERED.

Dated: November 6, 2015
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
Chief United States District Judge